



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,011	05/15/2001	Andreas Gustke	112740-145	6538
29177	7590	09/23/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			SAM, PHIRIN	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2661	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,011

Applicant(s)

GUSTKE, ANDREAS

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

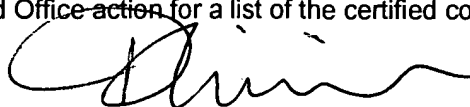
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-20 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,028,853 (hereinafter referred as “Haartsen”).

Haartsen discloses the invention (**amended claim 16 and claim 20**) as claimed including a communication system, comprising:

- (a) at least one radio base station to which radio network terminating units for connecting communication terminals can be connected (see Fig. 1, col. 5, lines 19-31);
- (b) first communication relations provided between the radio base station and the radio network terminating units within a first communication network (see Fig. 1, elements L1, 2 and 1, col. 5, lines 26-33);
- (c) additional transmission and switching means in the radio network terminating units for implementing at least one further communication network, wherein the additional transmission and switching means provide for implementing additional wireless communication relations between the radio network terminating units (see Fig. 1, elements 1, L2, and PDA, col. 5, lines 26-33).

Regarding claims 17, 27 and 28, Haartsen discloses at least one further radio network terminating facility, wherein the additional wireless communication relations switched via at least one further radio network terminating facility (see Fig. 1, elements 1-3 or 4-6, col. 5, lines 26-39).

Regarding claim 18, Haartsen discloses at least one further communication network is provided for implementing additional wireless communication relations in a home domain (see Fig. 1, col. 5, lines 19-39).

Regarding claim 19, Haartsen discloses the first communication network is a public communication network and the at least one further communication network is a private communication network (see Fig. 1, element 6, col. 5, lines 36-39).

Regarding claims 25 and 26, Haartsen discloses means for implementing the communication relations in the radio base station and in the radio network terminating units, wherein data streams to be transmitted from the radio base station to the radio network terminating units are transmitted in accordance with at least one of a TDM-oriented, FDM-oriented and CDM-oriented multiple transmission method, and wherein data streams to be transmitted from the radio network terminating units to the radio base station are transmitted according to at least one of a TDMA, CDMA and FDMA access transmission method (see Figs. 4 and 5, col. 9, lines 31-65).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2661

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,028,853 (hereinafter referred as "Haartsen") in view of US Patent 6,661,784 (hereinafter referred as "Nykanen").

Regarding claims 21-24, Haartsen does not disclose connection-oriented wireless communication network. However, Nykanen discloses the connection-oriented wireless communication network (see Figs. 3a and 4, col. 8, lines 54-64). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the connection-oriented wireless communication network teaching by Nykanen with Haartsen. The motivation for doing so would have been to provide to flexibly offer different services. Therefore, it would have been obvious to combine Nykanen and Haartsen to obtain the invention as specified in the claims 21-24.

5. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,028,853 (hereinafter referred as "Haartsen") in view of US Patent 6,522,641 (hereinafter referred as "Siu").

Regarding claims 29-31, Haartsen does not disclose encrypting, compressing, and H.323 or H.324. However, Siu discloses encrypting, compressing, and H.323 or H.324 (see Fig. 5, col. 5, lines 14-53). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine encrypting, compressing, and H.323 or H.324 teaching by Siu with Haartsen. The motivation for doing so would have been to provide for security and bandwidth improvement. Therefore, it would have been obvious to combine Siu and Haartsen to obtain the invention as specified in the claims 29-31.

Response to Arguments

6. Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 6,397,069 (Biedermann et al) discloses procedure for controlling the setup of calls with transmission channel requirement of different network terminations.

(2) US Patent 6,188,893 (Lechner et al) discloses subscriber connection net for the connection of subscriber stations to an exchange using a radio system.

(3) US Patent 6,075,792 (Ozluturk) discloses CDMA communication system which selectively allocates bandwidth upon demand.

(4) US Patent 6,009,085 (Lechner) discloses arrangement for the synchronization of the radio transmission in a radiotelephone subscriber connection network.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: September 21, 2005


PHIRIN SAM
PRIMARY EXAMINER